

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

CITY OF BANGOR,)
v.)
Plaintiff,)
CITIZEN COMMUNICATIONS)
COMPANY,)
v.)
Defendant & Third)
Party Plaintiff,)
BARRETT PAVING MATERIALS, INC. et al,)
v.)
Third Party Defendants.)

Civil No. 02-183-B-S

ORDER SETTING PHASE THREE STATUS CONFERENCE

Before the Court is the January 9, 2007 Joint Status Report and Request for Conference (Docket # 684). This Court has previously indicated its intention to “lift any stay on discovery and set a scheduling order for the Phase Three portion of this litigation on or immediately after January 9, 2007.” (Dec. 1, 2006 Order (Docket # 681).) In light of this statement of intent and having reviewed the latest Joint Status Report, the Court now sets this matter for a phase three status conference to be held on Friday, February 2, 2007 at 10:00 AM.¹ The purpose of this conference will be to discuss all issues remaining with respect to third and fourth party liability, which have been previously stayed and designated for a possible “Phase Three” trial. Thus, the Court orders that Plaintiff City of Bangor, Defendant Citizens Communications Company and all Third Party Defendants attend this conference.

In preparation for this conference, the Court ORDERS that Defendant and Third Party Plaintiff Citizens Communications Company and all Third Party Defendants shall submit a status report to the Court outlining what claims remain to be decided in Phase Three and proposing an efficient and fair

¹ If this date and time present an insurmountable conflict for counsel, they shall promptly contact the Clerk's Office to reschedule for some other time between February 5, 2007 and February 8, 2007. While the Court's preference would be to have counsel for all sides appear in Portland, counsel are free to participate telephonically if necessary.

procedure and timetable for resolving those claims in light of the Court's June 27, 2006 Findings of Fact and Conclusions of Law. To the extent that one or more of the parties agree on these issues, they are encouraged to make a joint submission to the Court. All status reports shall be filed on or before January 30, 2007.

The previous stay of all third and fourth party actions shall remain in effect until further order of this Court. (See Docket #s 321, 404 & 411.) The Court anticipates issuing that further order immediately following this status conference.

The parties are hereby notified that the Court will not issue a ruling on the pending Motion for Judgment for Third Party Defendants Barrett Paving Materials, Inc. and Honeywell, Inc. and Fourth Party Defendant Colas, S.A. (Docket # 682) until after this status conference. Nonetheless, the Court expects that the parties will complete the briefing on this Motion prior to the conference.

SO ORDERED.

/s/ George Z. Singal
U.S. Chief District Judge

Dated the 10th day of January 2007.